

# Exhibit 4

ERNEST BURWELL

12/15/2022

16 ZOOM DEPOSITION OF ERNEST BURWELL  
17 DECEMBER 15, 2022

Reported By:  
Pamela R. Crenshaw, CCR

ERNEST BURWELL

12/15/2022

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1           A re-bite? More holes. The incisors do not  
2 cause deep punctures. First off, the teeth are not  
3 long enough; and, second off, they cause break marks.

4           And if you put -- when the dog bites with  
5 the -- a full mouth bite, then you have the molars  
6 that are grasping a hole. Those don't generally cause  
7 any punctures either.

8           Q     Generally is not the same as always. Right?

9           A     I can't tell you always, because I don't  
10 know. But I'm telling you in general that dogs'  
11 teeth, from what I've seen from thousands of bites,  
12 that canines are what causes four punctures.

13           And, by the way, I've qualified as an expert  
14 in federal court in San Diego as a dog bite  
15 recognition expert. Not as a doctor. But I've seen  
16 so many bites.

17           And in this case the punctures are  
18 consistent with four canines and an improper removal  
19 of the dog from the bite.

20           Q     What case was that?

21           A     Gosh, I don't remember. Hold on; I'll get  
22 it. Hartsell versus San Diego. Also in May versus  
23 San Mateo in California.

24           Q     Did you testify at trial in Hartsell versus  
25 San Diego?

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1 A Yes.

2 Q Did you testify at trial in May versus San  
3 Mateo?

4 A Yes.

5 Q Hartsell was -- the trial would have been in  
6 what? 2021 or this year?

7 A I don't recall. It's been a while.

8 Q Was it within the last three years?

9 A Might have been before that.

10 Q But it was an actual trial?

11 A Yeah. It was in the federal court. I  
12 raised my hand. There was a jury. Yeah.

13 Q I think you cited Hartsell in your report.  
14 And I'm not talking about in the part where you talk  
15 about your prior experience testifying but as sort of  
16 an authority. Okay?

17 As I understand it, the Hartsell district  
18 court opinion was in 2019 and the appellate opinion  
19 was 2020. Does that sound correct to you?

20 A I don't know about the appellate stuff, as  
21 far as the date goes. I only know I testified at  
22 trial obviously prior to the appellate court decision.  
23 I don't know. I don't remember.

24 Q And you said what type of expert had you  
25 qualified as in the Hartsell case?

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1           A     Well, as a use of force expert, a K-9  
2     expert, dog bite recognition expert. And I just  
3     qualified a couple weeks ago, maybe a month ago, maybe  
4     two months ago now, in Fresno, California, as a dog  
5     bite recognition expert on the Castro -- Castro  
6     versus -- I forget which county. I think it was  
7     Castro.

8           Q     So Castro versus some county in California?

9           A     Yeah. It was Kern County, I believe. I'm  
10   not sure.

11          Q     K E R N County?

12          A     I believe so, but don't hold me to that. I  
13   don't know. I'd have to look.

14          Q     Dog bite recognition expert. Are there any  
15   other experts that you're aware of that are dog bite  
16   recognition experts?

17          A     I'm sure there are, but I don't know any.

18          Q     So you don't know any other dog bite  
19   recognition experts?

20          A     I don't know any other dog bite experts. I  
21   don't know any other experts that do K-9 stuff. I  
22   don't know them.

23          Q     Are there any journals or anything in the  
24   field of dog bite recognition?

25          A     I'm sure there is. I don't know. Most of

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1 it's done by medical doctors, as far as the extent of  
2 the bite or the injury itself.

3 But that's not what I'm talking about. I'm  
4 talking about being able to tell if a person's been  
5 bit by a dog and how many times. Or estimate how many  
6 times. I doubt that there's anybody in the United  
7 States that's seen as many dog bites as I have.

8 Q Are there any trade associations or anything  
9 like that for dog bite recognition?

10 A I don't know.

11 Q What's the methodology that you use for dog  
12 bite recognition?

13 A Well, one, I use my skull. I have a replica  
14 that was taken of a 70-pound German Shepherd. And I  
15 use that with the distance the canines are apart on  
16 both top and bottom and the length of the canines.

17 And then I look at the pictures and I look  
18 at testimony of the dog bites and how the dog was  
19 removed from the bite, or if there's video that shows  
20 the actual dog bite itself.

21 Q Is that a complete statement of the  
22 methodology for dog bite recognition?

23 A Unless something else pops into my head.  
24 Oh, yeah. I use my experience and training. I've  
25 seen so many dog bites, both in person from my own

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1 personal dog -- not -- well, the county's dog; backing  
2 up other deputies on their bites; being the unit  
3 statistician and recording all the bites on the use of  
4 force packet; and then all the videos and bites I've  
5 seen during my expertise work for the last 17 years.

6 Q Do you take any measurements?

7 A Also being bit myself.

8 Q Do you take any measurements?

9 A Of what?

10 Q Of the distance between puncture wounds or  
11 anything like that?

12 A The photos are not clear enough to do that  
13 on this case. The photos are very limited on showing  
14 the injury. It's a very poor investigation that was  
15 done by the department to document the injuries, other  
16 than the cell phones that were all being used to take  
17 pictures. I don't have that.

18 There were many deputies taking pictures  
19 using their cell phones of Hinson's injuries,  
20 according to the video. I don't have that.

21 Q I believe you said earlier that you thought  
22 there were two or three bites to Jason Hinson's right  
23 arm on February 22nd, 2016?

24 A I said that, yes. If we look at the  
25 photographs that were taken after the healing occurred

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C E R T I F I C A T E

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3 STATE OF LOUISIANA:

4 PARISH OF CADDO :  
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6 I, PAMELA R. CRENSHAW, Certified Court  
7 Reporter, in and for the State of Louisiana, as the  
8 officer before whom this testimony was taken, do  
9 hereby certify that ERNEST BURWELL, after having  
10 been duly sworn by me upon authority of R.S.  
11 37:2554, did testify as hereinabove set forth in the  
12 foregoing 180 pages.

13 I further certify that this testimony was  
14 reported by me in the stenotype reporting method,  
15 was prepared and transcribed by me or under my  
16 personal direction and supervision, and is a true  
17 and correct transcript to the best of my ability and  
18 understanding.

19 I further certify that the transcript has been  
20 prepared in compliance with transcript format  
21 guidelines required by statute or by rules of the  
22 board, that I have acted in compliance with the  
23 prohibition on contractual relationships, as defined  
24 by Louisiana Code of Civil Procedure Article 1434  
25 and in rules and advisory opinions of the board.

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1           I further certify that I am not employed by nor  
2 related to any of the parties to this cause nor in  
3 any way interested in the event thereof.

4           SUBSCRIBED AND SWORN to the 27th day of  
5 December, 2022.

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8           PAMELA R. CRENSHAW, CCR  
9           CCR #99014

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